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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6286 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ATUKKUMAR LAXMANBHAI PATEL

Versus

GUJARAT STATE COOPERATIVE AGRI& RURAL DEVELOPMENT BANK LTD

Appearance:

1. Special Civil Application No. 6286 of 2000

MR TR MISHRA for Petitioner No. 1

MR MITUL K SHELAT for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 14/06/2001

ORAL JUDGEMENT

The present petition is filed by the petitioner challenging the award passed in Reference (LCA) No.985 of 1998 by the Labour Court at Ahmedabad, dated 29.4.2000. Mr T.R. Mishra, learned advocate for the petitioner,

submitted that the learned Judge has erred in rejecting the Reference only on the ground that in Recovery Application No.1277 of 1998 the Labour Court had held that the petitioner is not a workman.

2 As the judgement and award passed by the learned Labour Court in Recovery Application No.1277 of 1998, which is subject matter of challenge in Special Civil Application No.1599 of 2000, is quashed to the extent it declares the petitioner not to be a workman by the order dated 14.6.2001, this petition is also required to be allowed by setting aside the award dated 29.4.2000 passed by the Labour Court, Ahmedabad, in Reference (LCA) No.985 of 1998 and the matter is required to be remanded to the Labour Court to decide the same afresh after giving full opportunity of hearing to both the sides and to lead necessary evidence on the point. Accordingly, the judgement and award dated 29.4.2000 passed by the Labour Court, Ahmedabad, in Reference (LCA) No.985 of 1998 is quashed and set aside. The matter is hereby remanded to the Labour Court with a direction to the Labour Court to decide the matter afresh as to whether the petitioner is a workman or not after giving full opportunity of hearing to both the sides and after permitting them to lead necessary evidence on the point as expeditiously as possible but not later than six months from the date of receipt of writ of this order.

Rule is accordingly made absolute with no order as to costs.

(Ravi R Tripathi, J.)

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